

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRANDON L. PIERCE,  
  
Plaintiff,  
  
vs.  
  
SGT FOSTER, SGT PARCELL,  
SPOKANE COUNTY JAIL  
CORRECTIONAL SERGEANTS,  
and DR. KENNEDY,  
  
Defendants.

NO. CV-12-079-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING ACTION

Magistrate Judge Imbrogno filed a Report and Recommendation on April 4, 2012, recommending Mr. Pierce's action be dismissed for failure to comply with the filing fee requirements. ECF No. 8. Specifically, Mr. Pierce failed to either pay the filing fee or to complete and file a financial affidavit as required by 28 U.S.C. § 1915(a)(1). Plaintiff had initiated this action while incarcerated but was subsequently released. There is no mechanism for collecting the filing fee in partial payment once a prisoner has been released from incarceration. 28 U.S.C. § 1915(b)(2).

There being no objections, the Court **ADOPTS** the Report and Recommendation. This action is **DISMISSED WITHOUT PREJUDICE** for failure to obey a Court Order to comply with the filing fee requirements of 28 U.S.C. §§ 1914(a) and 1915(a).

**IT IS SO ORDERED.** The District Court Executive is directed to enter this  
  
ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING  
ACTION-- 1

1 Order, enter judgment, forward a copy to Plaintiff and close the file. The Court certifies  
2 any appeal of this dismissal would not be taken in good faith.

3 **DATED** this 14<sup>th</sup> day of May 2012.

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5 *s/Robert H. Whaley*  
6 **ROBERT H. WHALEY**  
7 **SENIOR UNITED STATES DISTRICT JUDGE**  
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